

REMARKS

This amendment accompanies the attached RCE in order to reply to the office action of Dec. 2, 2004.

In paragraph 3 of the office action, claims 19 and 22-23 are rejected under 35 USC 102(a) in view of US Patent 4,648,607.

Claims 19 and 22-23 are believed to distinguish over the '607 patent, which employs a plurality of gasket plates having different rounded projections 19' through 23' merely for indicating the correct stacking order of the gasket plates as described at column 2, lines 53-62 of the patent. For example, the rounded projections increase in size from lowermost rounded projection 19' to uppermost rounded projection 23' to this end.

The '607 patent does not disclose the features positively recited in pending claims 19 and 22-23 collectively providing an outermost contour of the multi-plate gasket that is corner-free despite one of the metal gasket plates having a pointed corner on an outer contour of a cut edge thereof. As mentioned, the '607 patent provides all of the gasket plates with rounded projections 19' through 23' for indicating the correct stacking order of the gasket plates.

Reconsideration of the Section 102(a) rejection of claims 19 and 22-23 in view of the '607 patent is thus requested.

In paragraph 5 of the office action, claims 9, 11-19, and 22-25 are rejected under 35 USC 103(a) as obvious in view of US Patent 4,648,607 taken with the AAPA and DE 884936.

This rejection is believed to be in error. The gross deficiencies of the '607 patent are discussed above.

Moreover, as discussed in Applicant's previously filed responses, the examiner is believed to have misunderstood the AAPA. In particular, only the production of gasket plate 132 shown in Figure 2 is described as being known in the art.

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The AAPA does not admit that the combination of process steps set forth in claims 9, 11-18 and 24-25 are known. In fact, the AAPA is utterly deficient in disclosing or suggesting the combination of steps of these claims.

Further, Applicant disagrees with the proposed combination of the '936 reference with the AAPA. In particular, the '936 reference involves a process for the manufacture of furniture fitting members. The manufacture of furniture fitting members is not believed to be even remotely pertinent to manufacture of Applicant's gaskets and not properly combinable therewith as proposed by the examiner. The proposed combination of the '936 reference with the AAPA appears to constitute a prohibited hindsight analysis of Applicant's claims.

The '936 reference does not make up for the deficiencies of the AAPA noted by the examiner. In particular, the '936 reference involves a process for the manufacture of furniture fitting members wherein the fitting members are punched out of a metal sheet by means of punching tools (e.g. f and g) having corners to their cutting edges as can be seen from Figure 1 of the reference and from the enclosed attachment A showing the '936 reference cutting tool.

Further, the outer contour line cut by the tool (e.g. m) for cutting out a contour line according to the '936 reference does not dip into the cutting areas (first cutting area and second cutting area) cut by the punching tools in the preceding punching stations, but only meet the second cutting area at a corner thereof (see the attachment A of the '936 reference cutting tool).

The '936 reference teaches only to use punching tools having corners to their cutting edges and to use a tool for cutting an outer contour line which does not dip into the free-

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cutting area, but only meets the free-cutting area at a corner thereof. The '936 reference as well as the AAPA teach away from the subject matter of Applicant's pending claims 9, 11-18, and 24-25.

With respect to pending claims 19 and 22-23, these claims are believed patentable over the '607 patent taken with AAPA taken with the '936 reference for the reasons set forth above. The features of the gasket plates positively recited in these claims are not disclosed or suggested by the '607 patent alone or taken with the AAPA and the '936 reference.

Reconsideration of the Section 103(a) rejection of claims 9, 11-19, and 22-25 is requested.

In paragraph 6 of the office action, claim 18 is rejected under 35 USC 103(a) in view of US 4, 648,607 taken with admitted prior art (AAPA), the '936 reference and an additional reference selected from either US 4 862 574; US 3 998 300; or US 3 822 461.

Applicant believes the rejection of claim 18 is incorrect for the reasons set forth above. The sheer number of references cited smacks of a hindsight analysis of the claimed invention.

Applicant has added new claim 26 directed to a multi-plate gasket having positively recited features that are not disclosed or suggested by the '607 patent alone or taken with the AAPA, the '936 reference, and the other three references cited.

The Commissioner is authorized to charge any fee in connection with new claim 26 to my deposit account No. 20-1124.

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Applicant believes the pending claims are in condition for allowance, and action to that end is requested.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service under 37 CFR 1.8 as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 31, 2005.


Edward J. Timmer